



CITY OF MORRO BAY

APPEAL INFORMATION

Community Development Department
Planning Division

955 Shasta Avenue
Morro Bay, CA 93442
(805) 772-6261

Introduction

An individual, including the applicant, who is dissatisfied with an approval or denial of a project, has the right, within ten calendar days after the date of the action, to appeal this decision either to the Planning Commission, City Council or Coastal Commission depending on who took the original action.

Appeal of Administrative Decision to the Planning Commission

Any individual, including the applicant, may appeal in writing the decision of the Director a permit to the Planning Commission within ten calendar days of the Director's decision.

Where to File

Administrative Decision appeals shall be filed at the Public Services' office on the prescribed form.

Appeal Hearing Procedure

Items appealed to the Planning Commission will be noticed in the same manner as the original noticing. In addition, the appellant will also be noticed as will any persons interested in the appeal who provided their contact information to the Public Services Department.

The Chairperson will conduct the hearing as follows:

- The Chairperson opens the public hearing.
- Staff presents their report after which the Commissioners may ask questions.
- The Chairperson will recognize the appellant and/or applicant who shall

be permitted to present evidence related to the matter under consideration. The Chairperson may limit the time for the presentations.

- The Chairperson will then recognize members of the public. The Chairperson may limit the amount of time for testimony.
- The Chairperson will then close the public testimony portion of the Public Hearing but Commissioners may still ask questions of staff or members of the public.
- The Planning Commission will conduct their deliberations. No further public testimony will be taken unless the Chairperson reopens the hearing.
- The Planning Commission then votes on the appeal to either uphold, overturn, or amend the previous action.

Appeal of the Planning Commission Decision to the City Council

Any individual, including the applicant, may appeal to the City Council in writing a Planning Commission decision within ten calendar days of the Commission's action.

Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Commission, at, or prior to, the public hearing.

Where to File

Planning Commission decision appeals shall be filed with the City Clerk on the prescribed form.

Appeal Hearing Procedure

Items appealed to the City Council will be noticed in the same manner as the original noticing. In addition, the appellant will also be noticed, as will any persons interested in the appeal who provided their contact information to the Public Services Department.

The conduct of the hearings shall be consistent with the established City Council Policies and Procedures. The Mayor will conduct the hearing as follows:

- The Mayor opens the public hearing.
- A report on noticing from the City Clerk and on written communications received by the City pertaining to the item being heard.
- Staff presents their report.
- The Mayor shall recognize the appellant and/or applicant who shall be permitted five minutes to present evidence related to the matter under consideration.
- The Mayor shall then recognize members of the public to direct their comments to the Council. Three minutes will be given for comments unless decided otherwise by the City Council.
- The Mayor shall then close the public testimony portion of the Public Hearing but Council Members may still ask questions of staff or members of the public.
- The City Council shall conduct their deliberations. No further public testimony will be taken unless the Mayor reopens the hearing.
- The City Council then votes on the appeal to either uphold, overturn or amend the previous action.

It is important to remember that any evidence presented shall be made a part of the record of the Public Hearing, therefore any evidence presented will be retained by the City. The Mayor may also establish a time limit for the entire public hearing or time limits for the presentation of each individual speaker.

Appeal of Coastal Development Permits to the Coastal Commission for Projects within the Coastal Appeal Jurisdiction

For those projects within the Coastal Appeals Jurisdiction*, any individual, including the applicant, may appeal to the Coastal Commission in writing within ten working days** of the receipt of the Final Action Notice by the Coastal Commission.

** Maps are available at the Public Services Department which detail the Appeals Jurisdiction.*

***The ten working day appeal period starts after the Coastal Commission receives the Notice of Final Action from the City. Section 17.58.080 requires that within five working days of the final City action that a Notice of City Action is sent by first class mail to the Coastal Commission.*

Any applicant or person who participates in the local permitting process for a project, or who otherwise communicates their concerns to the local government, may file an appeal. Also, an appellant must have exhausted all *local* appeals unless the local government charges a fee to appeal, restricts the class of people who can file appeals, or failed to follow the hearing and notice requirements for issuing a coastal development permit.

This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed.

Where to File

City Council decision appeals shall be filed with the Coastal Commission. For appeal hearing procedures, appeal form and where to file:

Central Coast District Office

725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Ph: (831) 427-4863

<http://www.coastal.ca.gov/cdp/CDP-AppealForm-cc.pdf>

<http://www.coastal.ca.gov/cdp/Appeal-Information-Sheet.pdf>

Appeal Fees

If legitimate coastal resource issues related to the City's Local Coastal Program are raised in the appeal, there is no City fee if the subject property is located with the Coastal Appeal Area.

If the property is located outside the Coastal Appeal Area, the City fee is \$275.

If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

Contact the Coastal Commission for information on a fee that may be charged when filing an appeal to the Commission.



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APPEAL FORM

In CCC Appeals Jurisdiction?

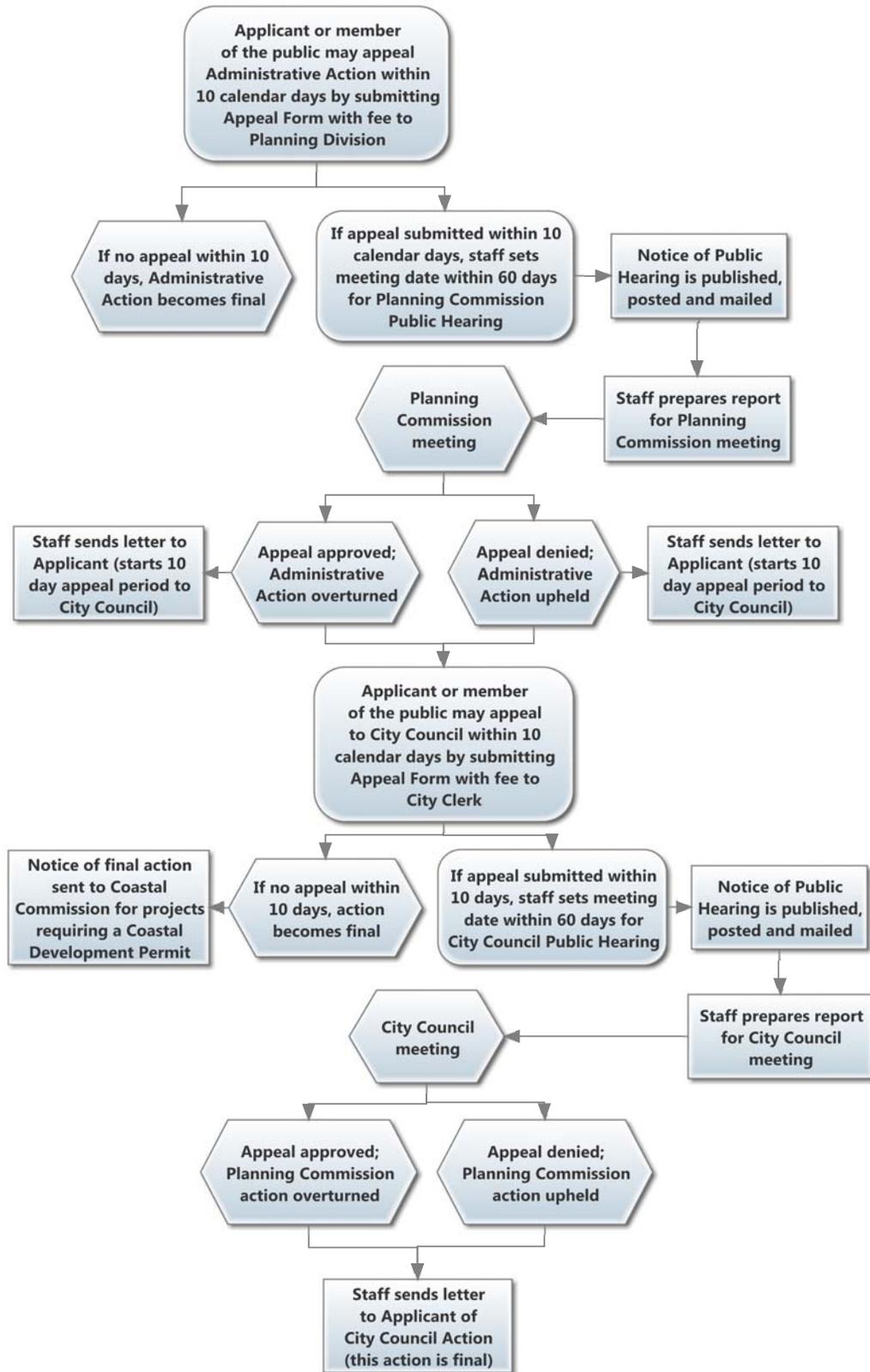
- YES – *No Fee*
 NO – *Fee Paid:* Yes No

Project Address being appealed:	
Appeal from the decision or action of (governing body or City officer): <input type="checkbox"/> Administrative Decision <input type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval:	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision):	
Date decision or action rendered:	
Grounds for the appeal (attach additional sheets as necessary):	
Requested relief or action:	
Appellant (please print):	Phone:
Address:	
Appellant Signature: _____ Date: _____	

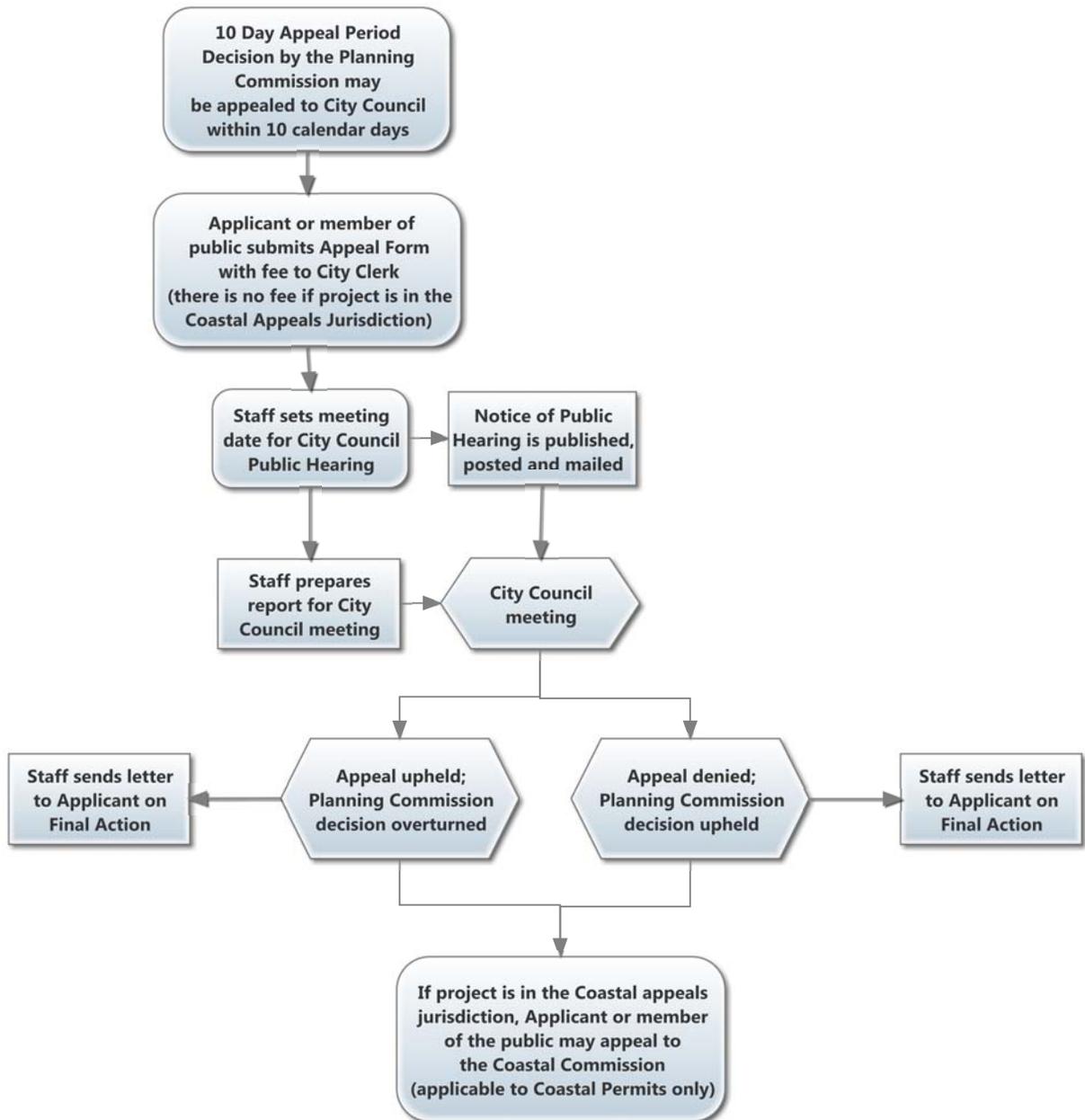
FOR OFFICE USE ONLY

Accepted by:	Date appeal filed:
Appeal body:	Date of appeal hearing:

City of Morro Bay
 Planning Division
 Administrative Action
 Appeals Process



**City of Morro Bay
Planning Division
Planning Commission Appeals Process**



CALIFORNIA COASTAL COMMISSION (CCC) APPEALS PROCESS

